

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Calieb Barnes

USDC SDNY
DOCUMENT
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DATE FILED: 3/31/14
FINAL

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

CITY OF NEW YORK, NEW YORK CITY POLICE DETECTIVE NEMESIO RODRIGUEZ

Jury Trial: Yes No
(check one)

CITY OF NEW YORK, NEW YORK CITY POLICE DETECTIVE CLARENCE FREDERICKS

CALIEB BARNES, Pro Se Plaintiff, respectfully claims as follows:

CAUSE OF ACTION

MAR 31 2014

1. I the Plaintiff CALIEB BARNES was a resident of Bronx County, City and State of New York.
2. Defendant CITY OF NEW YORK was and is a municipal corporation duly organized and existing by virtue of the laws of the State of New York.
3. On the 15th day of October, 2013 and within three years after the claim arose, a timely complaint was filed.
4. Defendants NEW YORK CITY POLICE DETECTIVES NEMESIO RODRIGUES AND CLARENCE FREDERICKS were and are police officers of the Defendant City of New York, and at all times herein were acting in such capacity as the agents and employees of the Defendant, THE CITY OF NEW YORK.
5. On November 15, 2010 in the vicinity of 211 & 212 streets at 3534 Holland Ave, police unlawfully seized my vehicle parked in front of my residence which is my father's house on the basis of a false/alleged abandonment without a seizure warrant and took it to an evidence collection facility. My car was used as alleged evidence to a murder investigation without an arrest. On November 15, 2010, Detective Rodriguez informed me without any mention of a crime that my car was being seized because there were no license plates which gave the appearance of an alleged abandonment. Further on November 15, 2010, my ex-girlfriend Chaquera Daley deliberately removed the license plates off of my car because I owed parking tickets and eventually testified against me. Further, on November 16, 2010 a false search warrant was issued and signed by Detective Clarence Fredericks on the basis of a false/alleged abandonment and other false statements. At no time did I consent to this unlawful seizure and false search warrant both on the basis of a false/alleged abandonment in connection with a murder investigation for my car to frame and eventually charged me with a murder that occurred on May 15, 2010.
6. In all of the above actions I was unaware of a criminal investigation. At no time did I consent to the unlawful seizure and false search warrant for my car.
7. On November 15, 2010 in the vicinity of 211 & 212 streets at 3534 Holland Ave, police unlawfully seized my vehicle parked in front of my residence which is my father's house on the basis of a false/alleged

abandonment without a seizure warrant and took it to an evidence collection facility. My car was used as alleged evidence to a murder investigation without an arrest. On November 15, 2010, Detective Rodriguez informed me without any mention of a crime that my car was being seized because there were no license plates which gave the appearance of an alleged abandonment. Further on November 15, 2010, my ex-girlfriend Chaquera Daley deliberately removed the license plates off of my car because I owed parking tickets and eventually testified against me. Further, on November 16, 2010 a false search warrant was issued and signed by Detective Clarence Fredericks on the basis of a false/alleged abandonment and other false statements. At no time did I consent to this unlawful seizure and false search warrant both on the basis of a false/alleged abandonment in connection with a murder investigation for my car to frame and eventually charged me with a murder that occurred on May 15, 2010. I was eventually charged and my arrest was on February 18, 2011 causing me to be a detainee first at the 47 Precinct and later at MDC Brooklyn Federal Bureau of Prisons. I was thereafter held in custody for more than a year before my trial. From that time until the commencement of trial on April 3, 2012 by a jury who was at a certain time deadlocked but after convicted me, Defendants New York City Police Detectives Nemesio Rodriguez and Clarence Fredericks deliberately and maliciously testified against me without any probable cause for the purpose of misleading the jury into believing that my car was abandoned for allegedly committing murder in connection with violations of the laws of federal criminal jurisdiction. Further, the witnesses provided perjured information which revealed their assistance and identities as confidential informants. The perjured information contradicted the 911 reports of what they actually saw on the day of the murder before their interviews with police and agents. Due to the absence of probable cause malice can be inferred.

8. The commencement of these criminal proceedings was malicious and began in malice and without probable cause. As a result of the malicious prosecution that I was subjected to, I was eventually charged, arrested, convicted, subjected to facing the death penalty and sentenced to life imprisonment.
9. The Defendants New York City Police Detectives were at all times relevant, duly appointed and acting officers of the City of New York Police. At all times mentioned herein, said police officers were acting under color of law, to wit the statutes, ordinances, regulations policies and customs and usage of the City of New York.
10. At all times relevant herein, I certify that I'm a citizen of the United States and was a resident of Bronx County in the State of New York and brings this cause of action pursuant to 42 United States Code, Section 1983.
11. The Defendant City of New York is a municipality duly incorporated under the laws of the State of New York.
12. On November 15, 2010 the Defendant did unlawfully seize my vehicle parked in front of my residence which is my father's house on the basis of a false/alleged abandonment without a seizure warrant as probable cause to a murder investigation. On November 16, 2010 a false search warrant for my car was issued based upon a false/alleged abandonment and other false statements. I was eventually charged, arrested, imprisoned, maliciously prosecuted, convicted, subjected to facing the death penalty and life imprisonment as a result of the Defendants unlawful warrantless seizure of my car and false search warrant both on the basis of a false/alleged abandonment in connection to a murder investigation.

13. The above action of the Defendants resulted in me being deprived of the following rights under the United States Constitution: 1. Freedom from illegal seizure 2. Freedom from infringement of privacy 3. Freedom from malicious prosecution 4. Freedom from unsupported oath of trustworthiness
14. Defendants subjected me to such deprivations, either in a malicious, intentional and/or reckless disregard of the truth with fabrication of evidence and deliberate indifference to those rights used in the fourth amendment of the US Constitution.
15. The direct result of the Defendants' actions causes me to suffer from extreme emotional distress or permanent psychological injuries.
16. Defendant City of New York has failed to adequately train its police officers in the fundamental law of search and seizure especially when its police officers are not in possession of a court authorized warrant to seize and where an individual especially in this case, has not committed a crime. Its police officers should only effectuate a court authorized warrant and an arrest based upon probable cause and or evidence.
17. The City of New York was negligent by failing to implement a policy with its Police Department and instruct police officers who absent consent, or without the possession of a court authorized seizure warrant and search warrant based upon trustworthy information, said police officers of the City of New York are not to search and seize my property where probable cause and trustworthy information is absent and the use of the warrant should only be reasonable based upon probable cause and oath affirmation trustworthy information.
18. The City of New York is negligent due to its failure to implement a policy with its Police Department or actively enforce the law, if any of the following are lacking: 1. Probable cause must be present before an individuals' property such as mine can be seized, 2. Information must be supported with an oath affirmation of trustworthiness in a court authorized warrant to search 3. Persons shall be secure in their property without unreasonable government intrusion.
19. The foregoing acts, omissions and systematic failures are customs and policies of the City of New York which caused the police officers to illegally seize and falsely search which resulted in me being eventually charged, arrested and sentenced to life imprisonment.

Wherefore, I am seeking judgment of relief against the Defendants together with the cost of this action in the amount totaling \$8,000,000 for compensatory, emotional distress and punitive damages.

Dated: March 18, 2014

Respectfully yours,

Calieb Barnes

By: Calieb Barnes 64765-054 Reg. #

USP Pollock PO Box 2099

Pollock, LA 71467

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Caleb Barnes

FINAL

**AMENDED
COMPLAINT**

under the Civil Rights Act,
42 U.S.C. § 1983

Jury Trial: Yes No
(check one)

13 Civ. 7283 ()

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff's Name Caleb Barnes
ID# 647165054
Current Institution USP Pollock
Address P.O. Box 2099
Pollock LA 71467

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name City of NY, NYC Police Det. Nemesio Rodriguez Shield #
Where Currently Employed (Bronx Narcotics Major Case Unit)
Address 47 Precinct 4111 Laconia Ave
Bronx, NY 10460

Defendant No. 2

Name City of NY, NYC Police Det. Clarence Fredericks
 Where Currently Employed (Homicide to Narcotics Borough)
 Address (Bronx Major Casell Unit) 47 Precinct
411 Laconia Ave. Bronx, NY 10466

Defendant No. 3

Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

Who did what?

Defendant No. 4

Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

Defendant No. 5

Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?

The events occurred at 3534 Holland Ave Bronx, NY between 211 and 212 Streets

B. Where in the institution did the events giving rise to your claim(s) occur?

C. What date and approximate time did the events giving rise to your claim(s) occur?
The events occurred on November 15 and 16 2010.

D. Facts: On November 15, 2010 my parked car was seized by Nemesio Rodriguez a detective from the 47 Precinct NYPD. My car was seized as evidence of a crime without an arrest and warrant for probable cause and taken

What happened to you?

Took evidence collection facility. Further, on 11/16/10 a false search warrant was issued based upon false statements. On 11/15/10 Detective Rodriguez informed me that my car was being seized for an alleged abandonment with no license plates although my car was parked in front of my residence. There was no mention of a crime at all. On 11/15/10 the license plates were deliberately removed by my ex-girlfriend who testified against me. On 11/15/10 Detective Clarence Fredericks was informed by Detective Rodriguez that my car was found before it was seized. My ex-girlfriend Chaguera Daly provided assistance to these detectives on 11/15/10 by removing the license plates. The detectives thought of a deceptive way to seize my car through Chaguera Daly's assistance without an arrest and warrant to inform me of a criminal investigation.

Was anyone else involved?

Who else saw what happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

As a result of the above events, I was convicted by a jury who was deadlocked at a certain time, And sentenced to life imprisonment.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes No ✓

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes No Do Not Know _____

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes No Do Not Know _____

If YES, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes No N/A

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes No N/A

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

N/A

1. Which claim(s) in this complaint did you grieve?

N/A

2. What was the result, if any?

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any:

N/A

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). I am seeking emotional distress, compensatory and punitive damages. The emotional distress damages are for possible execution that I was facing which still distress me. The compensation damages are for my time I already spent and the punitive damages are for the violation of my civil rights through deception. \$8,000,000

Emotional Distress - } * Pending
Compensatory - } Will provide amount as ap
Punitive - } * Amount Provided

VI. Previous lawsuits:

On
these
claims

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes No

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____
Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes No

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes No

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____
Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes No
If NO, give the approximate date of disposition _____
7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this day of , 20

Signature of Plaintiff _____

Inmate Number _____

Institution Address _____

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 18 day of March, 2014 I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Alief Barnes

3-27-2014

Attn: Pro Se Office

U.S. District Court
Southern District of New York
Case # 1:13-cv-07283

Enclosed is my final Amended complaint.

MAP 31 2014

PRO SE OFFICE

Respectfully Submitted,

Calieb Barnes 3-27-2014
Calieb Barnes



Galeeb Barnes - 64765-054
U.S.P. Pollock
P.O. Box 2099
Pollock, L.A. 71467

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~~SOUTHERN DISTRICT OF NEW YORK~~
The Daniel Patrick Moynihan United States Courthouse

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